IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5494 OF 2006

The Bombay Education Society .. Petitioner.
Vs.
The Bombay Diocessan Trust Association & Pvt. Ltd. .. Respondents.

Mr.Pravin Mehta for the petitioner.
Mr.P.K.Dhakepalkar i/b M/s.Divyakant Mehta & Associates for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 4TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner and the respondents.

2. By this writ petition, the petitioner has challenged the order dated 20.6.2006 passed by the trial Court by which interim notice no.685 of 2006 taken out by the petitioner seeking amendment of the written statement has been discharged. I perused the order and in particular the following observations in paragrah 8:

> "8. It is to be noted that already there are issues on maintainability, jurisdiction and owenership and landlordship of the plaintiffs in respect of the suit premises. Therefore, the defendants had ample opportunity to challenge the ownership and landlordship of the plaintiffs and to lead evidence accordingly. Moreover the defendants

have not yet closed their evidence".

3. I have also perused paragraph 6 of the written statement. Keeping that in view I see no reason to exercise writ jurisdiction under Article 226 of the Constitution of India. The order passed by the court below is just and proper and deserves no interference hence the writ petition is dismissed.

(D.B.Bhosale, J.)